

ORDINANCE NO. 08-06

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW REPLATTING PROPERTY INTO TWO SUBSTANDARD-SIZED LOTS: LOT 1, HAVING A FRONTAGE OF 60 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, A DEPTH OF 68.33 FEET, WHERE AT LEAST 100 FEET ARE REQUIRED, AND A TOTAL AREA OF 3,964 SQUARE FEET, MORE OR LESS, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED; AND LOT 2, HAVING A FRONTAGE OF 69.94 FEET, WHERE AT LEAST 75 FEET ARE REQUIRED, A DEPTH OF 60 FEET, WHERE AT LEAST 100 FEET ARE REQUIRED, AND A TOTAL AREA OF 4,196 SQUARE FEET, MORE OR LESS, WHERE AT LEAST 7,500 SQUARE FEET ARE REQUIRED, AND ALLOW A REAR YARD SETBACK OF 12 FEET 5 INCHES, WHERE AT LEAST 20 FEET ARE REQUIRED, AND A FRONT SETBACK OF 15 FEET, WHERE 20 FEET ARE REQUIRED, ON THE NORTHERNMOST LOTS, CONTRA TO HIALEAH CODE §§ 98-348(a), 98-502 AND 98-500. **PROPERTY LOCATED AT 301 EAST 35 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of November 28, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow replatting property into two substandard-sized lots: Lot 1, having a frontage of 60 feet, where at least 75 feet are required, a depth of 68.33 feet, where at least 100 feet are required, and a total area of 3,964 square feet, more or less, where at least 7,500 square feet are required; and Lot 2, having a frontage of 69.94 feet, where at least 75 feet are required, a depth of 60 feet, where at least 100 feet are required, and a total area of 4,196 square feet, more or less, where at least 7,500 square feet are required, and allow a rear yard setback of 11 feet 5 inches, where at least 20 feet are required, and a front setback of 15 feet, where 20 feet are required, on the northernmost lots, contra to Hialeah Code §§ 98-348(a), 98-502 and 98-500, which provide in pertinent part: “. . . no new plat shall be approved unless all building sites and lots in residential districts shall have a minimum average width of 75 feet and a minimum average depth of 100 feet . . . All lots in R-1 one family districts shall have at least 7,500 square feet in area.”, “. . . In the R-1 one family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line . . .” and “In the R-1 one-family district, there shall be a front yard depth not less than 20 feet in distance from the front lot line.”, respectively. Property located at 301 East 35 Street, Hialeah, Miami-Dade County, Florida, zoned R-1 (One Family District), and legally described as follows:

LOT 20, BLOCK 2, SUNLAND HOMES, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 49, PAGE 28, OF THE PUBLIC RECORDS OF
MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.


Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 8th day of January, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:

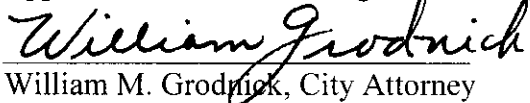
Approved on this ____ day of _____, 2008.

Rafael E. Granado, City Clerk

MAYOR'S SIGNATURE WITHHELD

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".